

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IMPLICIT NETWORKS INC,

No. C 10-03365 SI

Plaintiff,

**ORDER RE STIPULATION SEEKING
PERMISSION TO FILE UNDER SEAL**

v.

F5 NETWORKS INC,


Defendant.

Currently before the Court is F5 Network's stipulation seeking leave to file under seal F5's Motion for Summary Judgment of Noninfringement, as well as Exhibits B-C and N-P to the Declaration of Shane Brun and the Declaration of Dr. James Storer. *See* Docket No. 140. There are two deficiencies with the Stipulation. First, the stipulation does not indicate whether F5 seeks to file under seal all or just part of each document at issue. Requests to seal should identify, by page and line number, the exact portions of documents sought to be sealed. *See generally* Civil Local Rule 79-5(a) (the "request must be narrowly tailored to seek sealing only of sealable material"). Second, the Stipulation is not supported by a declaration that establishes compelling reasons to seal the documents or portions of documents at issue. *See In re Midland Nat'l Life Ins. Co Annuity Sales Practices Litig. v. Allianz Life Ins. Co. of N. Am.*, 686 F.3d 1115, 1119 (9th Cir. 2012) ("A party seeking to seal judicial records can overcome the strong presumption of access by providing 'sufficiently compelling reasons' that override the public policies favoring disclosure."); *see also* Civil Local Rule 79-5 (requiring parties to file declaration to establish that material is "sealable").

1 Therefore, within **five days** of the date of this Order, F5 must submit a declaration identifying
2 with specificity the exact portions (by page and line number) of the material it wishes to file under seal
3 and establish – for each piece of information sought to be sealed – the compelling reasons supporting
4 the sealing that overcome the strong presumption of public access.

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6 **IT IS SO ORDERED.**

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8 Dated: November 9, 2012


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10 SUSAN ILLSTON
11 United States District Judge
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